

AMENDED IN ASSEMBLY AUGUST 31, 2009

AMENDED IN ASSEMBLY AUGUST 25, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## Assembly Joint Resolution

**No. 19**

### **Introduced by Assembly Members Brownley and Feuer**

(Principal coauthor: Senator Leno)

(Coauthors: Assembly Members Ammiano, Jones, Ma, and ~~John A. Perez~~ *John A. Perez, Arambula, Bass, Beall, Block, Blumenfield, Buchanan, Charles Calderon, Chesbro, Coto, De La Torre, De Leon, Eng, Evans, Fong, Fuentes, Furutani, Galgiani, Hall, Hayashi, Hernandez, Hill, Huber, Huffman, Krekorian, Lieu, Bonnie Lowenthal, Mendoza, Monning, Nava, Ruskin, Salas, Saldana, Skinner, Solorio, Swanson, Torlakson, Torrico, and Yamada*)

(Coauthor: Senator Kehoe)

May 18, 2009

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Assembly Joint Resolution No. 19—Relative to marriage.

#### LEGISLATIVE COUNSEL’S DIGEST

AJR 19, as amended, Brownley. Marriage.

This measure would call upon the Congress and the President of the United States to repeal the discriminatory Defense of Marriage Act.

Fiscal committee: no.

- 1 WHEREAS, Thousands of same-sex couples in California were
- 2 legally married following the California Supreme Court’s May
- 3 2008 decision in *In re Marriage Cases*, prior to the passage of the

1 discriminatory Proposition 8, which purported to prospectively  
2 eliminate the right of same-sex couples to marry in this state; and

3 WHEREAS, The Defense of Marriage Act is a federal law  
4 passed on September 21, 1996, and codified at Section 7 of Title  
5 1 and Section 1738C of Title 28 of the United States Code; and

6 WHEREAS, The Defense of Marriage Act provides that the  
7 United States government will not recognize or give effect to  
8 marriages between persons of the same sex for purposes of federal  
9 law; and

10 WHEREAS, The Defense of Marriage Act excludes same-sex  
11 couples who are legally married in California from accessing the  
12 more than 1,000 federal rights and benefits that are afforded to  
13 opposite-sex spouses; and

14 WHEREAS, Among the critical rights and benefits that federal  
15 law provides to protect couples and families are the right to sponsor  
16 a spouse for immigration benefits, the right to access Social  
17 Security survivors benefits, the right to receive health insurance  
18 from a federal employee spouse, the right to file federal income  
19 taxes jointly, and hundreds of other crucial protections; and

20 WHEREAS, Among other discriminatory harms, because of  
21 the Defense of Marriage Act, workers in California must pay  
22 federal income taxes on the value of health benefits provided by  
23 an employer to the same-sex spouse of an employee, while health  
24 benefits provided to opposite-sex spouses are not taxed, and this  
25 discrimination results in serious financial detriment to many  
26 same-sex couples and their families in California; and

27 WHEREAS, The Defense of Marriage Act provides that no state  
28 is required to give effect to any public act, record, or judicial  
29 proceeding of any other state respecting a relationship between  
30 persons of the same sex that is treated as a marriage under the laws  
31 of the other state or a right or claim arising from that relationship;  
32 and

33 WHEREAS, The Defense of Marriage Act, therefore, authorizes  
34 other states to discriminate against same-sex couples who are  
35 legally married in California by refusing to recognize or protect  
36 their relationships when they travel outside of California; and

37 WHEREAS, The Defense of Marriage Act causes significant  
38 harm and unfairly discriminates against committed same-sex  
39 couples and their families; now, therefore, be it

1     *Resolved by the Assembly and the Senate of the State of*  
2     *California, jointly,* That the Legislature calls upon the Congress  
3     and the President of the United States to repeal the discriminatory  
4     Defense of Marriage Act; and be it further

5     *Resolved,* That the Chief Clerk of the Assembly transmit copies  
6     of this resolution to the President of the United States, to each  
7     Senator and Representative in the Congress of the United States,  
8     and to the presiding officer of each house of each state legislature  
9     of the several states.

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